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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, SEPTEMBER 17, 1999

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC970113

Ex parte: Investigation of the  
termination of local exchange for  
failure to pay for long distance  
services

ORDER DENYING PETITION FOR SUSPENSION

On September 8, 1999, the Virginia Telecommunications Industry Association ("VTIA"), pursuant to § 8.01-676.1 H, filed its Petition for Suspension of Order ("Petition"), requesting the Commission<sup>1</sup> to suspend the effectiveness of our Final Order and Order on Reconsideration herein, until the Virginia Supreme Court has ruled on the appeal of those orders by the VTIA and other parties.

The Petition will be denied. This case was docketed in 1997. The proposed rules were issued in August 1998. We issued our order adopting revisions to the DNP Rules on February 26, 1999, and then granted the petitions of several companies for reconsideration. We modified several of the Rules at the behest of the carriers, including delaying the effective date of the

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<sup>1</sup> We note that VTIA has also filed a similar petition with the Virginia Supreme Court, as has Bell Atlantic-Virginia, Inc.

Rules from July 1, 1999, to October 1, 1999. We find that further delay in implementing the Rules cannot be justified.

Further, the Commission has pending before it Case No. PUC990138, the Application of Bell Atlantic-Virginia, Inc., for a postponement in the implementation of the Commission's rules governing disconnection for non-payment ("DNP Rules"), which we promulgated in the instant case and as to which the VTIA now seeks suspension. We have, by separate Order in that docket, granted a limited waiver of the implementation date of those rules to GTE South Incorporated upon its demonstration of good cause. Our Order permits others to make a similar showing in that docket.

The VTIA has not offered any compelling reason why the administration of justice requires suspension of the DNP Rules throughout the Commonwealth in light of the availability of temporary relief upon good cause shown in Case No. PUC990138. The VTIA has relied upon the affidavit of James A. Diaz, Vice-President of GTE South Incorporated, in support of its Petition. Mr. Diaz states therein that his company "has worked diligently and in good faith to effect the necessary modifications to its billing systems in Virginia to ensure compliance with the [DNP] Rules as close as possible to the Commission's October 1 implementation deadline." The Commission has approved a compliance plan offered by GTE South Incorporated and granted a

limited extension and waiver of the Rules in Case No. PUC990138 because of its showing of good cause. Thus, GTE South Incorporated has been granted relief, and there is no other evidence in support of the VTIA's Petition. There is no reason to suspend our orders or the DNP Rules.

Accordingly, IT IS ORDERED THAT:

- (1) The Petition for Suspension of Order is DENIED.
- (2) This matter is dismissed.